



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, JULY 30, 2020 AT 3PM

Under the Executive Order suspending certain provisions of the Open Meeting Law, signed by Governor Baker on March 12, 2020, all members in any meeting of the public body may participate remotely.

Present remotely: Dr. Joanna Buffington (Chair), Pat Lariviere, Adele Blong, Francie Williamson, Catherine Mondon, Jane Crowley

I. NOTIFICATION OF VIDEO/AUDIO RECORDING

II. OPENING STATEMENTS

Mrs. Crowley provided an update on the Health Department's monthly activities:

- Beach testing is done weekly by Barnstable County. Town Cove has had multiple exceedances this year.
- Cases of West Nile and EEE have occurred within Massachusetts. Active avoidance and prevention of mosquitos is needed.
- Ticks are also prevalent this time of year.
- A presentation on the remediation of schoolhouse ministers pond will be held on August 5, 2020 at 2:30pm.

III. VARIANCES – VOTE MAY BE TAKEN

1. ELIZABETH LOWELL REALTY TRUST 15 HILL ROAD M7 P310

A plan for upgrading the existing cesspool to a Title 5 septic system was reviewed. The proposed septic system will include a 1500 gallon tank, distribution box, and a 2' x 13' x 25' soil absorption system was reviewed. The following variance was applied for:

1. 310 CMR 15.211 – 39' variance from proposed soil absorption to existing drinking water well (locus)

Ms. Blong moved to approve with the following conditions:

1. Deed restriction for two (2) bedroom use.
2. Any increase in habitable square footage would require Board of Health review and abutter notification.
3. No increase in flow allowed.
4. Require testing for routine water quality parameters twice a year to ensure potability.
5. Require connection to municipal water within six months of being available.

Ms. Lariviere seconded the motion.

Approved by Roll Call Vote 5-0

2. BETH & ELLEN TUCKER

5 KELLIE'S PATH

M11 P424

Jason Ellis of JC Ellis Design presented plans to upgrade the existing septic system on the environmentally sensitive lot. The proposed septic system will include a 1500 gallon tank, distribution box, and a 30' x 03' x 2' soil absorption system. The following variance was applied for:

2. Eastham Board of Health Regulations Sec I.E.3.a.iv – nitrogen reduction technology not provided on an environmentally sensitive lot.

A brief discussion on the number of bedrooms occurred.

Distance to high groundwater, amount of cover over the soil absorption system, and the suitability of the soil around the leaching area was clarified.

Dr. Buffington moved to approve with the following conditions:

6. Addition of I/A treatment
7. Deed restriction for four (4) bedroom use and alternative treatment to be record on deed.
8. No increase in flow allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
9. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or two times a year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/L. After two year period of time reduction of testing could be requested to Board of Health by owner.
10. Operation and maintenance agreement to be submitted to Eastham Board of Health. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Database or directly to the Eastham Health Department if not available.
11. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.

Ms. Blong seconded the motion.

Approved by Roll Call Vote 5-0

3. GARY & ANNE BOUDREAU

690 STATE HWY

M21 P65A

Stephanie Sequin of Ryder & Wilcox presented a plan to upgrade the septic system on the environmentally sensitive lot as part of a demolishment and rebuilt project. Gary Boudreau, owner of the lot, was also present. The presented plan included a 1500 gallon septic tank, 1000 gallon

pump chamber, distribution box, and 30' x 20' x.5' soil absorption system. The following variance was applied for:

1. Eastham Board of Health Regulations Sec I.E.3.a.iv – nitrogen reduction technology not provided on an environmentally sensitive lot.

A discussion of the need for I/A on environmentally sensitive lot, particularly on Town Cove, occurred. The layer cake system was introduced as a potential alternative technology.

Dr. Buffington moved to approve with the following conditions:

1. Addition of I/A treatment
2. Deed restriction for four (4) bedroom use and alternative treatment to be record on deed.
3. No increase in flow allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
4. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or two times a year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/L. After two year period of time reduction of testing could be requested to Board of Health by owner.
5. Operation and maintenance agreement to be submitted to Eastham Board of Health. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Database or directly to the Eastham Health Department if not available.
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
7. Consider layer cake system in lieu of secondary treatment.

Ms. Lariviere seconded the motion.

Approved by Roll Call Vote 5-0

4. CHARLOTTE R LEACH FAMILY TRUST 285 GREAT POND RD M11 P176A

Robert Reedy of JM O'Reilly Associates a plan to upgrade the septic system on the environmentally sensitive lot as part of a demolishment and rebuilt project. The presented plan included a 1500 gallon septic tank, 1000 gallon pump chamber, distribution box, and 33.5' x 12.83' x2' soil absorption system. The following variance was applied for:

1. Eastham Board of Health Regulations Sec I.E.3.a.iv – nitrogen reduction technology not provided on an environmentally sensitive lot.

A discussion on the need for I/A occurred. Mr. Reedy argued that the distance between the leaching area and the pond provided adequate protection, especially given that neighbor lots have closer leaching areas and would not be required to have I/A technology. Discussion that location of leach field far north and agreement to restrict to three bedrooms versus the for applied for would provide adequate protection with secondary treatment.

Ms. Williamson moved to approve with the following conditions:

1. Deed restriction for three(3) bedroom use to be record on deed.

2. Any increase in habitable square footage would require Board of Health review and abutter notification.

Approved by Roll Call Vote 5-0

5. GLEN & COREEN OLSON 80 SEAWARD WAY M9 P237

Ms. Lariviere moved to approved.

Approved by Roll Call Vote 5-0

The effluent testing results were discussed. The results exceed the required 19mg/L in both 2019 and 2020. Mr. Mclellan mentioned the seasonal nature of the home and how I/A systems do not work well in seasonal homes. Board members urged owner to work with septic engineer to improve function of septic system.

Approved by Roll Call Vote 5-0

Ms. Blong moved to approve the presented plan with the following conditions:

Ms. Williamson seconded the motion.

Approved by Roll Call Vote 5-0

V. SHORT TERM RENTALS

8. DEL MAR

Luke Chapman, owner of Del Mar Rentals, spoke with the Board regarding COVID rental complaints in Phase 1. Mr. Chapman reviewed the Del Mar procedures to ensure the governor's guidelines were met. A discussion of occupancy limits occurred.

VI. OTHER BUSINESS - VOTE MAY BE TAKEN

9. COVID-19

A discussion on face mask use and if an order is needed occurred.

Mrs. Crowley provided an update on the numbers of COVID-19 in Eastham.

VII. MINUTES - VOTE MAY BE TAKEN

Postponed until 8/27/20 meeting.

VIII. ADJOURNMENT

Ms. Williamson moved to adjourn.
Dr. Buffington seconded the motion.

Approved by Roll Call Vote 4-0